

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Jeffery Sutton,

Plaintiff,

v.

Case No. 1:10cv937

Michael J. Astrue,
Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on December 22, 2011 (Doc. 12).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter *de novo* pursuant to 28 U.S.C. § 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. The decision of the Commissioner to deny Plaintiff DIB benefits be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g) consistent with the opinion by the Magistrate Judge.

IT IS SO ORDERED.

S/Michael R. Barret
Michael R. Barrett
United States District Judge